

§ 22.946

(1) *Passive investors.* Investment companies, as defined in 15 U.S.C. 80a-3, insurance companies and banks holding stock through their trust departments in trust accounts are deemed to have a cognizable interest in a publicly traded cellular applicant only if they hold 10% or more of the stock of the applicant. This provision applies only if an applicant in which such parties hold an interest certifies in its application that no such party has exerted or attempted to exert any influence or control over the officers of the applicant.

(2) *Multiplier.* Attribution of ownership interests in a publicly traded cellular applicant that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain exceeds 50 percent, it is not included in the multiplication.

§ 22.946 Service commencement and construction periods for cellular systems.

(a) *Commencement of service.* New cellular systems must be at least partially constructed and begin providing cellular service to subscribers within the service commencement periods specified in Table H-1 of this section. Service commencement periods begin on the date of grant of the initial authorization, and are not extended by the grant of subsequent authorizations for the cellular system (such as for major modifications). The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met (see § 1.946 of this chapter).

(b) To satisfy the requirement of paragraph (a) of this section, a cellular system must be interconnected with the public switched telephone network (PSTN) and must be providing service to mobile stations operated by its subscribers and roamers. A cellular system is not considered to be providing service to subscribers if mobile stations can not make telephone calls to landline telephones and receive telephone calls from landline telephones

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through the PSTN, or if the system intentionally serves only roamers.

(1) [Reserved]

(2) The licensee must notify the FCC (FCC Form 489) no later than 15 days after the requirements of paragraph (b) of this section are met.

(b) *Construction period for specific facilities.* The construction period applicable to specific new or modified cellular facilities for which an authorization has been granted is one year from the date the authorization is granted. Failure to comply with this requirement results in termination of the authorization for the specific new or modified facility, pursuant to § 22.144(b).

[59 FR 59507, Nov. 17, 1994, as amended; 64 FR 68951, Dec. 14, 1999; 64 FR 53241, Oct. 1, 1999]

§ 22.947 Five year build-out period.

The licensee of the first cellular system authorized on each channel block in each cellular market is afforded a five year period, beginning on the date of the initial authorization for the system, during which it may build out the system within that market.

(a) *Exclusive right to expand.* Except as provided in paragraph (b) of this section, the FCC will not accept applications for authorization to operate a new cellular system in an unserved area in a market on a channel block during the five year build-out period.

(b) *Partitioned markets.* During the five-year build-out period, the licensee of the first cellular system on each channel block in each market may enter into contracts with eligible parties, allowing such parties to build out using FCC Form 601 for a new cellular system in that channel block in the market. The FCC may grant applications if they are in compliance with the rules in this part, and with two or more authorized cellular systems on the same channel block during the five year build-out period are referred to (with respect to the affected channel block) as "partitioned markets".

(1) Partitioning contracts may be used to fine the CGSA of the subsequent cellular system in accordance

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§ 22.947, including any expansion rights. If not exercised, any such expansion rights terminate at the end of the five year build-out period.

(2) The five year build-out period begins on the date the initial authorization for the first cellular system is granted, and is not extended or affected in any way by the initial authorization of any subsequent cellular systems pursuant to paragraph (b) of this section.

(3) *System information update.* Sixty days before the end of the five year build-out period, the licensee of each cellular system authorized on each channel block in each cellular market must file, in triplicate, a system information update (SIU), comprising a full map, a reduced map, and an exhibit showing technical data relevant to the determination of the system's CGSA. Separate maps must be submitted for each market into which the CGSA extends, showing the extension of the CGSA into the adjacent market. Maps showing extension areas must be labeled (i.e. marked with the market number and channel block) for the market into which the CGSA extends.

(4) The maps must accurately depict the relative cell locations and coverage of the system at the end of the five year build-out period. SIUs must be filed at the Mobile Services Division, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20541.

If any changes to the system are made after the filing of the SIU, but before the end of the five year build-out period, the licensee must file, in triplicate, additional maps and/or data necessary to insure that the cell locations and coverage of the system as of the end of the five year build-out period are accurately depicted.

The scale of the full-size map must be 1:500,000, regardless of whether a different scale is used for the reduced map. The map must have a logarithmic distance scale and correctly labeled latitude and longitude lines. The map must be clear and legible. The map must accurately show the cell transmitting antenna locations) and determine the CGSA, the entire CGSA, any extension of the composite CGSA beyond the CGSA of § 22.947 and the relevant portions of the cellular market boundary. The

date on accurate

(2) The portion of the full-size map (CGSA) of the cell market. In such a different provided the full-size and label

[59 FR 59507, Nov. 17, 1994, as amended; 64 FR 68951, Dec. 14, 1999]

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(a) Disaggregation. (i) Eliciting seeking disaggregation of the cellular market. Cell market disaggregation qualified

(2) Partitioned build-out cellular market portion other than year build-out and unseparated any geographic defined by the parties but portions

(3) Disaggregation build-out parties of the entire market that portion of the cell market compassed CGSA and to provide of the cell market

(b) Disaggregation and unseparated (c) Consider disaggregation consider disaggregation (d) Licensee the parties

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Docket No. WT02-28 Exhibit No. 1 (x2)

Presented by Evan

Disposition

Accepted ☒
Revised ☐
Rejected ☐

Reporter

Hazzard

Date

10/25/02